

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In Re:

BIJEN A. PATEL

Case No.: 17-24676 (KCF)

Chapter: 7

Chief Judge: Kathryn C. Ferguson

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**NOTICE OF PROPOSED COMPROMISE or SETTLEMENT OF CONTROVERSY**

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John M. McDonnell, Chapter 7 Trustee, in this case proposes a compromise, or to settle a claim and/or action as described below. If you object to the settlement or compromise, you must file a written objection with the Clerk of the United States Bankruptcy Court, and serve it on the person named below not later 7 days before the hearing date.

Address of the Clerk: United States Bankruptcy CourtOffice of the Clerk Clarkson S. Fisher USCourthouse 402 East State StreetTrenton, NJ 08608
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If an objection is filed, a hearing will be held before the Honorable Kathryn C. Ferguson on May 29, 2018 at 10 a.m. at the United States Bankruptcy Court, courtroom no. 2, U.S. Bankruptcy Court 402 E. State Street, Trenton, NJ (hearing to be scheduled for at least 28 days from the date of the filing of the notice). If no objection is filed the clerk will enter a *Certification of No Objection* and the settlement may be completed as proposed.

Nature of action: Trustee's claims <i>see</i> Adv. Proc. Nos.17-01745 (KCF) & 17-01746 (KCF)
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Pertinent terms of settlement:

Following good faith negotiations, John M. McDonnell, not individually or personally but as the chapter 7 trustee (the “Trustee”) for the estate for Bijen A. Patel, the chapter 7 debtor (the “Debtor”), in the above captioned case, and a defendant, and Priti Patel (“Defendant Priti”) and Jigneshl Patel (“Defendant Jignesh”) and together Defendant Priti, collectively the “Insider Defendants”). The Debtor and the Insider Defendants, are collectively defined herein as the “Defendants.” The Defendants and the Trustee are collectively defined herein as the “Parties.” The Parties desire to settle certain claims the Trustee asserts against the Defendants, to avoid further costs of litigation on the terms set forth in a Stipulation and Consent Order (as defined below).

The Trustee, proposes, through his motion (the “9019 Motion”), and application filed in support thereof, for entry of an order approving the proposed stipulation and consent order (the “Stipulation and Consent Order”) between the Trustee and the Defendants, and granting related relief, pursuant to section 105(a) of Bankruptcy Code, and Bankruptcy Rule 9019. *See* Docket No(s). 11&14. Interested parties should refer to the 9019 Motion and the documents filed in support thereof, including, the Stipulation and Consent Order, for the complete and detailed substance and information thereof.

By way of brief summary, the Trustee has asserted the estate’s rights to avoid certain transfers to the Insider Defendants, pursuant to, among other things, sections 502, 541, 542, 544, 548, and 550 of the Bankruptcy Code and applicable state law. The Trustee also filed a complaint against the Debtor, seeking, among other things, to object to the Debtor’s discharge, pursuant to section 727 of the Bankruptcy Code. The Defendants have filed answers and asserted various defenses.

The Trustee and Defendant have reached a proposed agreement on the resolution of issues. The Stipulation and Consent Order is subject to approval by and shall become effective on the date it is approved by the Bankruptcy Court (the “Effective Date”). The Defendants shall pay to the Trustee the sum of \$65,000 (the “Settlement Funds”) by April 30, 2018 (the “Settlement Payment Deadline”). The Defendants shall have 3 days from Settlement Payment Deadline to cure a failure to timely pay the Settlement Funds on or before the Settlement Payment Deadline, or a Consent Judgment in the amount of \$200,000 shall be entered jointly and severally against the Defendants. The parties also exchange certain claim waivers.

The Stipulation and Consent Order is not meant in any way to resolve any claims the Trustee and/or the estate may have against third parties. The Trustee, in his business judgment, believes that such settlement is in the best interest of the estate and its creditors because such payment may produce a distribution to unsecured creditors, without the uncertainty and length of potential litigation.

Objections must be served on, and requests for additional information directed to:

Name: McDonnell Crowley, LLC  
Address: 115 Maple Ave., Red Bank, NJ 07701  
Telephone No.: (732)383-7233

**Certificate of Notice Page 3 of 5**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Bijen A. Patel  
 Priti Patel  
 Debtors

Case No. 17-24676-KCF  
 Chapter 7

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf905

Page 1 of 3  
 Total Noticed: 61

Date Rcvd: Apr 30, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 02, 2018.

db +Bijen A. Patel, 4 Crane Place, Spotswood, NJ 08884-1090  
 acc +Bederson & Company, LLC, 347 Mt. Pleasant Avenue, Suite 200, West Orange, NJ 07052-2749  
 cr +Dilip Shah, c/o Stark & Stark, PC, 993 Lenox Drive, Lawrenceville, NJ 08648-2316  
 cr +Harisha A. Patel, c/o Stark & Stark, PC, 993 Lenox Drive, Lawrenceville, NJ 08648-2316  
 dft +Jignesh Patel, 800 Paramus Road, Paramus, NJ 07652-1701  
 cr +Pranav Shastri, c/o Stark & Stark, PC, 993 Lenox Drive, Lawrenceville, NJ 08648-2316  
 dft +Priti Patel, 800 Paramus Road, Paramus, NJ 07652-1701  
 cr +Swati Patel, c/o Stark & Stark, PC, 993 Lenox Drive, Lawrenceville, NJ 08648-2316  
 516952905 +337 George Street Realty, LLC, 385 George Street, New Brunswick, NJ 08901-2003  
 516952906 +377 George Street Realty, LLC, c/o Geoffrey D. Mueller, Esq., 610 East Palisade Avenue,  
 Englewood Cliffs, NJ 07632-1801  
 516952907 American Express, PO Box 981537, El Paso, TX 79998-1537  
 517115087 American Express Bank, FSB, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
 516952908 +Ashu Patel, c/o Richard Lupo, LLC, 1254 Hwy 27, North Brunswick, NJ 08902-1765  
 516952909 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank of America, PO Box 982235, El Paso, TX 79998-2235)  
 516952910 +Burgerfi International, LLC, 105 US Hwy 1, North Palm Beach, FL 33408-5401  
 516952911 +Burgerfi International, LLC, c/o Cory B. Kravit, Esq., 1801 N. Military Trail, Suite 120,  
 Boca Raton, FL 33431-1810  
 517134866 +Canon Financial Services, Inc., c/o Howard N. Sobel, P.A., 507 Kresson Road,  
 Voorhees, NJ 08043-9564  
 516952912 +Chandrakant Patel, c/o Mavinkurve & Patel, LLC, 555 US Hwy 1 S, Suite 100,  
 Iselin, NJ 08830-3154  
 516952913 Chase, PO Box 15298, Wilmington, DE 19850-5298  
 517093700 Credit First NA, PO Box 818011, Cleveland, OH 44181-8011  
 516952914 Credit First NA/Firestone, PO Box 81083, Cleveland, OH 44181  
 517186199 +Dilip Shah, c/o Stark & Stark, P.C., Attn: Marshall Kizner, 993 Lenox Drive,  
 Lawrenceville, NJ 08648-2389  
 516952915 +Dilip Shah, 1312 Brassie Street, Allentown, PA 18106-9636  
 516952916 +Dipti Patel, c/o Richard Lupo, LLC, 1254 Hwy 27, North Brunswick, NJ 08902-1765  
 516952918 +Firestone, PO Box 81307, BK 14, Cleveland, OH 44181-0307  
 516952919 +Ford Motor Credit, PO Box 542000, Omaha, NE 68154-8000  
 517060968 +Ford Motor Credit Co, Att: Morgan Bornstein, 1236 Brace Rd Ste K,  
 Cherry Hill, NJ 08034-3229  
 517186197 +Harisha A. Patel a/k/a Harishila A. Patel, c/o Stark & Stark, P.C., Attn: Marshall Kizner,  
 993 Lenox Drive, Lawrenceville, NJ 08648-2389  
 517476064 +Harisha A. Patel a/k/a Harishila A. Patel, Pranav, c/o Stark & Stark, P.C.,  
 Attn: Marshall Kizner, 993 Lenox Drive, Lawrenceville, NJ 08648-2389  
 516952920 +Harshila A. Patel, 7540 Windsor Drive, Suite 206, Allentown, PA 18195-1015  
 516952921 +Indus American Bank, 1630 Oak Tree Road, Edison, NJ 08820-2821  
 517077479 +Indus American Bank, Att: Newman Simpson, 32 Mercer St, Hackensack, NJ 07601-5621  
 516952922 +Indus American Bank, c/o Mindy R. Zlotogura, Esq., 32 Mercer Street,  
 Hackensack, NJ 07601-5621  
 516972769 +Itria Ventures LLC, c/o John J. Winter, Esquire, The Chartwell Law Offices, LLP,  
 970 Rittenhouse Road, Suite 300, Eagleville, PA 19403-2265  
 516952924 +Itria Ventures, LLC, c/o John J. Winter, Esq., 970 Rittenhouse Road, Suite 300,  
 Norristown, PA 19403-2265  
 516952923 +Itria Ventures, LLC, 1000 N. West Street, Suite 1200, Wilmington, DE 19801-1058  
 516952925 +Jayesh Brahmhatt, 221 University Drive, Newark, DE 19713-1181  
 516952926 Kalpana B. Patel, 6 Crane Place, Spotswood, NJ 08884  
 516952927 +Kanubhai Patel, Paul Fellman, Esq., 100 West 6th Street, Suite 204, Media, PA 19063-2431  
 516952931 +Paresh Patel, 59 Cortland Drive, East Brunswick, NJ 08816-2384  
 517165061 +Peter G. Wagner, Esq., 1254 State Highway 27, Ste. 1, North Brunswick, NJ 08902-1765  
 516952932 +Pranav K. Shastri, 1599 Fieldstone Street, Allentown, PA 18106-9140  
 517186198 +Pranav Shastri, c/o Stark & Stark, P.C., Attn: Marshall Kizner, 993 Lenox Drive,  
 Lawrenceville, NJ 08648-2389  
 516952933 +Rajesh Patel, c/o Richard Lupo, LLC, 1254 Hwy 27, North Brunswick, NJ 08902-1765  
 516952934 +Rasik Patel, Paul Fellman, Esq., 100 West 6th Street, Suite 204, Media, PA 19063-2431  
 516952935 +Robert Wisniewski, c/o Montgomery, Chapin & Fetten, PC, 745 Route 202/206, Suite 101,  
 Bridgewater, NJ 08807-1758  
 516952936 Roma Funding, LLC, 7 Wood Ave., Linden, NJ 07036  
 516952937 +SLS, 8742 Lucent Blvd., Littleton, CO 80129-2302  
 516952930 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
 TRENTON NJ 08646-0245  
 (address filed with court: New Jersey Division of Taxation, Bankruptcy Unit, PO Box 245,  
 Trenton, NJ 08695-0267)  
 516952938 +Snyhal Patel, c/o Richard Lupo, LLC, 1254 Hwy 27, North Brunswick, NJ 08902-1765  
 517486009 +Snyhal Patel, Ashu Patel & Dipti Patel, Peter G. Wagner, Esq., 1254 Hwy 27., Ste. 1,  
 North Brunswick, NJ 08902-1765  
 517186200 +Swati Patel, c/o Stark & Stark, P.C., Attn: Marshall Kizner, 993 Lenox Drive,  
 Lawrenceville, NJ 08648-2389  
 516952939 +Swati V. Patel, 8916 Grady Drive, Breinigsville, PA 18031-4115

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516952940 +The Bank of New York Mellon, c/o Parker McCay, PA, 9000 Midlantic Drive, Suite 300,  
PO Box 5054, Mount Laurel, NJ 08054-5054  
516952941 +Wells Fargo, PO Box 6995, Portland, OR 97228-6995

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 30 2018 23:06:12 U.S. Attorney, 970 Broad St.,  
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Apr 30 2018 23:06:11 United States Trustee,  
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
Newark, NJ 07102-5235  
516952917 E-mail/Text: mrdiscen@discover.com Apr 30 2018 23:05:59 Discover, P.O. Box 15316,  
Wilmington, DE 19850  
517030802 E-mail/Text: mrdiscen@discover.com Apr 30 2018 23:05:59 Discover Bank,  
Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
516952929 E-mail/Text: bankruptcydpt@mcmcg.com Apr 30 2018 23:06:11 Midland Credit Mgmt, 8875 Aero,  
Suite 200, San Diego, CA 92123-2255  
517147830 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 30 2018 23:06:11 Midland Funding LLC,  
PO Box 2011, Warren, MI 48090-2011

TOTAL: 6

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr\* +Indus American Bank, 1630 Oak Tree Road, Edison, NJ 08820-2821  
cr\* +Itria Ventures LLC, c/o John J. Winter, Esquire, The Chartwell Law Offices, LLP,  
970 Rittenhouse Road, Suite 300, Eagleville, PA 19403-2265  
516952928 ##+Mack Amin, 6 Racine Lane, Matawan, NJ 07747-9737

TOTALS: 0, \* 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner  
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social  
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required  
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 02, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on April 30, 2018 at the address(es) listed below:

Brian Thomas Crowley on behalf of Trustee John Michael McDonnell bcrowley@mchfirm.com,  
bcrowley@mcdonnellcrowley.com  
Brian Thomas Crowley on behalf of Plaintiff John M. McDonnell bcrowley@mchfirm.com,  
bcrowley@mcdonnellcrowley.com  
Denise E. Carlon on behalf of Creditor The Bank of New York Mellon f/k/a The Bank of New York,  
as Trustee for CWALT Alternative Loan Trust 2004-J1, Mortgage Pass-Through Certificates, Series  
2004- J1 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Emil S. Cuccio on behalf of Defendant Priti Patel escuccio@aol.com  
Emil S. Cuccio on behalf of Defendant Jignesh Patel escuccio@aol.com  
John J. Winter on behalf of Creditor Itria Ventures LLC jwinter@chartwellllaw.com,  
amccinton@chartwellllaw.com  
John J. Winter on behalf of Plaintiff Itria Ventures LLC jwinter@chartwellllaw.com,  
amccinton@chartwellllaw.com  
John Michael McDonnell jmcdonnell@mchfirm.com, jcohen@mchfirm.com;NJ95@ecfbis.com  
Marshall T. Kizner on behalf of Creditor Dilip Shap mkizner@stark-stark.com  
Marshall T. Kizner on behalf of Creditor Harisha A. Patel mkizner@stark-stark.com  
Marshall T. Kizner on behalf of Creditor Pranav Shastri mkizner@stark-stark.com  
Marshall T. Kizner on behalf of Creditor Swati Patel mkizner@stark-stark.com  
Michael P. Otto on behalf of Debtor Bijen A. Patel motto@ottolawoffice.com  
Michael P. Otto on behalf of Defendant Bijen A. Patel motto@ottolawoffice.com  
Mindy R. Zlotogura on behalf of Creditor Indus American Bank mzlotogura@newmansimpson.com

District/off: 0312-3

User: admin  
Form ID: pdf905

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Peter Broege on behalf of Mediator Peter Broege pbroege@bnfsbankruptcy.com,  
G1580@notify.cincompass.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov  
William M.E. Powers on behalf of Creditor Wells Fargo Bank, N.A. as successor by merger to  
Wachovia Bank, N.A. ecf@powerskirn.com  
William M.E. Powers, III on behalf of Creditor Wells Fargo Bank, N.A. as successor by merger  
to Wachovia Bank, N.A. ecf@powerskirn.com

TOTAL: 19